THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 8905 of 1995

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Dated: 17-04-2006

Between:

N. Ananth Reddy.

..Petitioner.

and

The Secretary Housing Department, Government of A.P., Secretariat, Hyderabad and others.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 8905 of 1995

ORDER:

This petition is filed seeking a writ of mandamus declaring the action of the respondents in allotting quarter No.2-120 as per G.O.Ms.No.34 dated 22-04-1994 in favour of 6th respondent as illegal and arbitrary.

The case of the petitioner is that he was retired from service as Deputy Tahsildar in 1986. While he was working as U.D.C., the Advisory Committee allotted a Government LIGH Quarter bearing Municipal No. 2-120 situated at Vikarabad on 04-09-1963 to him and since the date of allotment, he was in continuous possession and enjoyment of the same. While so, the Government has taken a decision to allot houses on hire purchase system to the tenants, who are in occupation of the LIGH quarters. Accordingly, he has applied for allotment of the said quarter by enclosing a demand draft dated 13-9-1991 for Rs.200/-, but his request was not considered and the 2nd respondent issued a notice to him to pay arrears of rent for Rs.1,455/- on 31-3-1995. Accordingly, he paid the same. It is further stated that contrary to the guidelines, the respondents have allotted the said quarter to 6th respondent, though the petitioner was the original allottee of the said quarter and paid rental charges.

The 6th respondent filed counter stating that the petitioner has vacated the said quarter after his retirement and then, he came into possession of the same from 01-01-1985. It is further stated that the Ex-Officio Secretary and Commissioner, Vikarabad Municipality issued a notice inviting the applications from the allottees, who are in occupation of the quarters prior to October, 1986. Accordingly, he has applied on 01-09-1991 by depositing EMD amount of Rs.250/- and that the Government allotted the said quarter to him as per G.O.Ms.No.20, dated 11-03-1993 and the price of the same was fixed as per G.O.Ms.No.34 dated 22-04-1994. It is further stated that as on the relevant date, the petitioner was not in possession of the said quarter, and therefore, he is not entitled to any relief as prayed for.

The 5th respondent filed counter stating that since as on the crucial date i.e., 01-01-1986, the 6th respondent was in possession and enjoyment of the said quarter, the objection raised by the petitioner for the said allotment was rejected and that the Advisory Committee has taken correct decision to allot the house to the 6th respondent under the impugned G.O.

Though the petitioner was in possession and enjoyment of the said quarter for some time, there is no material whatsoever in support of the said contention and that the 6th respondent was in possession and enjoyment of the

said quarter as on the crucial date i.e., 01-01-1986.

In the absence of any admitted evidence or material in proof of the contention of the petitioner that he was in possession and enjoyment of the said quarter on 01-01-1986, it is not possible to decide such disputed question of fact in the writ petition.

Hence, the Writ Petition is dismissed. No order as to costs.

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17-04-2006

sj